

Hong Kong Appeals Board Supports Right to Be Forgotten

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The Hong Kong Administrative Appeals Board recently concluded that individuals in Hong Kong have the right to have their online personal information deleted, even in a situation where such information is in the public domain. The ABB affirmed the Hong Kong Privacy Commissioner's decision that required the appellant website to remove hyperlinks to court judgments on his website, which court documents included the personal data of an individual. The Privacy Commissioner's decision was made on the ground that the appellant had used the personal data of the individual for a new purpose without the individual's consent, in violation of Hong Kong privacy law. As a result of this decision, individuals may very well begin to request that websites take down their personal data. Those who refuse to remove the personal data will face the risk of complaints being made the Privacy Commissioner.

Tip: Hong Kong has taken a position consistent with other jurisdictions in supporting a "right to be forgotten," even where information is in the public domain, and companies operating websites in the region should be mindful of this fact.

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